

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 91

April 30, 1996, 2:51 p.m.  
Page S-4397 Temp. Record

## ILLEGAL IMMIGRATION/Cuban Adjustment Act Conditional Repeal

**SUBJECT:** Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Graham amendment No. 3760 to the Dole (for Simpson) amendment No. 3743.

### ACTION: AMENDMENT AGREED TO, 62-37

**SYNOPSIS:** As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

The Dole (for Simpson) perfecting amendment to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

**The Graham amendment to the Dole (for Simpson) amendment** would condition the repeal of the Cuban Refugee Adjustment Act on a democratically elected government in Cuba being in power, as defined in the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the Dole-Helms-Burton legislation; see vote No. 22). (Under the Cuban Refugee Adjustment Act, any alien who is a native or citizen of Cuba, who has been inspected and admitted, or paroled, into the United States, and who has been physically present in the United States for at least 1 year, may be given permanent resident alien status by the Attorney General. S. 1664 will repeal the Cuban Refugee Adjustment Act except that it will allow parolees who enter the United States under the terms of an agreement secretly negotiated between Castro and President Clinton to adjust their status after being in the country for 1 year. That agreement limits the number of parolees per year to 20,000.)

**Those favoring** the amendment contended:

The bill before us will repeal the Cuban Adjustment Act. That repeal is entirely unjustified. Nothing has changed in Cuba since

(See other side)

YEAS (62)			NAYS (37)		NOT VOTING (1)	
Republicans (37 or 71%)		Democrats (25 or 53%)	Republicans (15 or 29%)	Democrats (22 or 47%)	Republicans (1)	Democrats (0)
Abraham	Hutchison	Baucus	Ashcroft	Akaka	Thompson <sup>-2</sup>	
Bennett	Inhofe	Biden	Brown	Bingaman		
Bond	Kempthorne	Bradley	Campbell	Boxer		
Burns	Kyl	Breaux	Chafee	Bumpers		
Cohen	Lott	Bryan	Coats	Byrd		
Coverdell	Lugar	Conrad	Cochran	Daschle		
Craig	Mack	Dorgan	Grams	Dodd		
D'Amato	McCain	Ford	Grassley	Exon		
DeWine	McConnell	Glenn	Hatfield	Feingold		
Dole	Murkowski	Graham	Jeffords	Feinstein		
Domenici	Nickles	Heflin	Kassebaum	Harkin		
Faircloth	Pressler	Hollings	Roth	Inouye		
Frist	Santorum	Kerrey	Shelby	Johnston		
Gorton	Smith	Kerry	Simpson	Kennedy		
Gramm	Snowe	Kohl	Thurmond	Levin		
Gregg	Specter	Lautenberg		Moseley-Braun		
Hatch	Stevens	Leahy		Moynihan		
Helms	Thomas	Lieberman		Murray		
	Warner	Mikulski		Pell		
		Nunn		Simon		
		Pryor		Wellstone		
		Reid		Wyden		
		Robb				
		Rockefeller				
		Sarbanes				

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

the Act was first passed in 1966. Castro is still a brutal communist dictator who suppresses all democratic and individual freedoms, and thousands of Cubans still risk their lives each year by trying to escape to America. Refugees, parolees, and visa holders from Cuba who have entered the United States legally have been allowed since 1966 to petition the United States Government to give them permanent resident status.

Senators who insist that Cuba is no different than any other country that is under despotic rule are wrong. Cuba is just 70 miles off Florida's coast. People fleeing that country naturally end up in the United States. When they arrive, Cuban-Americans in Florida are eager to help assimilate them. Cuban-Americans are very successful and very patriotic. The United States' 30-year policy of admitting these hard-working, freedom-loving Cubans has been good for Florida and good for the country.

Though we can see no problems that have come from the Cuban Adjustment Act, and though no change has occurred that would justify abandoning it, our colleagues want to limit the number of people who can gain permanent resident alien status under its terms to 20,000 per year and they only want that option to be open for parolees. If this proposal had been in effect last year, the 7,500 Cuban refugees, the 6,000 Cuban visa holders, and 4,000 of the 24,000 parolees who entered the country would have been even denied the right to ask for permanent status. They would have been ordered automatically to go back to Cuba. Once Castro is gone, and there is a democracy in that country, the situation will obviously be much different. Under those circumstances, we should appropriately treat Cuba just as we treat other countries. As long as Cuba remains under Castro's rule, though, the Cuban Adjustment Act should remain in force. The Graham amendment would make this distinction, and thus merits our support.

**Those opposing the amendment contended:**

The Cuban Adjustment Act is an anachronism. In the early 1960s, and again in the late 1970s, hundreds of thousands of Cubans came to America in "freedom flotillas." Rather than classify them as illegal aliens, the United States made up a new legal classification for them called "parole." "Parole" is a temporary status, so Congress passed the Cuban Adjustment Act, which said that once parolees were in the United States for one year they could become permanent immigrants and get their green cards. Since the early 1980s, though, the United States has discouraged massive influxes of Cuban immigrants. Recently, President Clinton worked out a deal with Castro to limit the number of parolees to 20,000 per year. Thus, we know that we are not going to get any huge new influx of Cubans, and the Cuban Adjustment Act should be repealed. We emphatically agree that Castro is a ruthless communist dictator, but we note that China, North Korea, and Vietnam are also ruled by ruthless communists and we do not give any special treatment to people fleeing from those lands. It would be nice if the United States were able to afford to take in all the billions of people around the world who live under totalitarian rule, but it obviously cannot. Therefore, the only fair course is to treat countries equally. We already have millions of people from around the world who have been cleared for legal entry into the United States, many of whom are the spouses or very young children of citizens, but they will have to wait for years before their turn to enter comes up. Given these facts, we cannot support a continuation of the Cuban Adjustment Act beyond its application to the 20,000 parolees who will still be let in each year. Therefore, we urge the rejection of the Graham amendment.